

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

STEVEN A.,

Claimant,

vs.

VALLEY MOUNTAIN REGIONAL
CENTER,

Service Agency.

OAH No. N2006070268

DECISION

On October 2, 2006, in San Andreas, California, Deidre L. Johnson, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

The Valley Mountain Regional Center was present and represented by Gary L. Westcott, Ph.D., Clinical Psychologist.

There was no appearance by or on behalf of Steven A.

ISSUE

Is claimant entitled to regional center services?

FACTUAL FINDINGS

1. On May 31, 2006, the Valley Mountain Regional Center (VMRC) issued a Notice of Proposed Action (NOA) to Steven A. (claimant) in which it proposed to deny services to him, effective May 30, 2006, on the grounds that claimant was found ineligible for regional center services pursuant to Welfare and Institutions Code section 4512, and California Code of Regulations, title 17, section 54000.¹

¹ The Lanterman Developmental Disabilities Services Act authorizes specified services for individuals defined as “developmentally disabled.”

2. On June 29, 2006, claimant's attorney, Lois Raap, signed a Waiver of Time Set by Law for Lanterman Act Fair Hearing and Decision. On June 29, 2006, Lois Raap submitted a Fair Hearing Request on behalf of claimant requesting services, based on a condition similar to mental retardation which requires similar services. This matter was set for October 2, 2006, at 1:00 p.m. The Notice of Hearing was properly served on July 13, 2006, to the claimant and to his attorney at their known addresses.

3. By 1:30 p.m. on October 2, 2006, at the location scheduled for the hearing, there was no appearance by or on behalf of the claimant. Claimant did not present any evidence and no testimony was given. VMRC presented documentary evidence for jurisdictional purposes. The claimant was declared in default.

LEGAL CONCLUSIONS

The burden of proof in this proceeding was on the claimant. Claimant having produced no evidence or testimony, the decision of the VMRC to deny services to claimant is affirmed.

ORDER

The appeal of Steven A. from the decision of the Valley Mountain Regional Center denying regional center services is hereby denied. The decision of the Valley Mountain Regional Center is affirmed.

DATED:_____

DEIDRE L. JOHNSON
Administrative Law Judge
Office of Administrative Hearings

Notice: This is a final administrative decision. Both parties are bound by this decision. Either party may appeal this decision to a court of competent jurisdiction within ninety days.